



BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, February 06, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, February 6, 2003 at 3:00 p.m., at Police Headquarters, 1300 Beaubien - Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Megan P. Norris
Willie E. Hampton **(ABS)**
Nathan Head
Edgar L. Vann, Jr.
Arthur Blackwell, II

Department Personnel Present

DC Bryan Turnbull
DC Harold Cureton
DC Gary Brown
DC Ronald Haddad
Insp. Willie McClure
Lt. Vicki Yost
Lt. Balinski
Sgt. Dale Greenleaf
Sgt. George Powell
Sgt. McBurrows
Sgt. B. Harris
Inv. Cunningham
PO Omar Feliciano
PO Ivette Reed
Civ. DC Pamela Evans
Atty. Nancy Ninowski
Dr. Elsie Scott
Chaplain Murphy

Board Staff Present

Pamoline J. McDonald, Exec. Director
Denise R. Hooks, Atty./Supv. Investigator
Lori Waddles, Chief Investigator
E. Lynise Bryant-Weekes, Personnel Director
Sandra Mercer, Civilian Investigator

OTHERS PRESENT

Ron Scott
Ms. Walters
Rick Jones
Star Ellen Carter
WWJ 950
Phillip Craccioholo
George Davis

RECORDERS

Jerome Adams
Felicia Hardaway
Kellie Williams

1. CALL TO ORDER

Chairperson Norris called the regular meeting of the Detroit Board of Police Commissioners to order at 3:24 p.m.

2. APPROVAL OF MINUTES

MOTION: Commissioner Norris made the motion to approve the Minutes of Thursday, January 30, 2003.

SECOND: Commissioner Vann seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

Comm. Norris talked about her attending the Major Cities Chief Conference in Phoenix, Arizona. She discussed a few highlights about the trip. She stated that she was the only police commissioner that attended the conference. What impressed her the most was that it gave the police department and our organization the opportunity to learn what resources are available from other organizations in terms of money, training opportunities and ideas. One of the major functions of the conference involved 60 major city police chiefs from different states. They were seated at a roundtable and discussed with one another the problems that are faced in their jurisdiction and get ideas from other chiefs as to how they handled this particular problem.

She spent some time with our newly appointed Assistant Chief Tim Black while in Arizona. She commended him for being competent and knowledgeable. She felt he would be a good addition to the department.

She stated that Chief Jerry A. Oliver was well recognized on the national scene. As a result, he was given offers of all kinds of assistance. The FBI head of training offered free training at Quantico, VA. Others were offering different sources of funding for different projects and different ideas.

She stated that Chief Oliver presented a report on his year with the Detroit Police Department and what he felt he had accomplished. She stated that the Board would probably receive a copy but she wanted to point out three (3) items on the report. The first was **In-Car videos**. She stated that this commission was responsible for the fact that we have in-car videos. That the use of the in-car videos has been increased. Chief Oliver reported that the Office of Professionalism and Compliancy are now inspecting the cars. When the inspections began, only 5% of the patrol cars had working in-car videos, and now that has increased to 80%.

Domestic Violence – Comm. Norris stated Chief Oliver reported that from January to August 2002, he was receiving 1 to 2 complaints a week of domestic violence against police officers. The Board of Police Commissioners increased discipline against those kinds of offenses, and a number of those officers were suspended without pay. As a result, from August 2002 to the present, there have been zero complaints. She stated that this shows that the word is out and has a tremendous effect. The problem is that the Board has an arbitration decision in our packets today that overturned one of those. She stated that DC Evans and Personnel Director would be working on how the department can put us in the best positions. It is clear that the increased discipline had the intended result not only in dealing with the specific officers at issue, but also acting as a deterrent toward other officers.

Policy Manual Changes - Comm. Norris asked that DC Evans be sure and relay this information back to Chief Oliver. At some point, the Board may put this in writing. Chief Oliver talked about the policy manual changes specifically about the Use of Force manual change. He talked about the efforts that had been undertaken to try and decrease in appropriate uses of force, including reviewing each of the various Use of Force violations to identify failures in policy and make recommendations. The Board has been trying to get information about the various policy failures in the specific circumstances and unfortunately we have not been allowed to have this information. We need to remind the Chief and the Law Department why it is important to us. Since identifying those failures and policy making recommendations is part of our charter mandate.

4. SECRETARY REPORT - EXEC. DIR. MCDONALD

On February 6, 2003, **Police Officer Clarice Gully**, badge 4716, assigned to the Twelfth Precinct, was suspended without pay, by Chief of Police Jerry A. Oliver, Sr.

On January 24, 2003, the Internal Affairs Unit received information from an anonymous letter alleging embezzlement of the Twelfth Precinct's Flower Fund.

As a result of an investigation, the Flower Fund checkbook, check register, and other documentation related to the fund were obtained. A review of these documents revealed that prior to May 2002, the Flower Fund ledger appeared balanced and in order. However, after May 2002, several discrepancies and unexplained expenditures were found. Checks were written without invoices or receipts explaining the payments. Several check stubs within the check register appeared to have been altered and some illegible. A complete page of checks was missing without any entries in the register indicating the payee.

On January 30, 2003, the Public Corruption Unit served a search warrant for all financial transactions, account statements, and checks dated from May 1, 2002, to December 31, 2002, which were drawn from the Flower Fund. The checks were reviewed and it was discovered that eight checks with a value of approximately \$3,000.00 were written, endorsed and cashed by Officer Gully at various party stores in and adjacent to the Twelfth Precinct. The checks were compared to the check register. The checks did not match the dollar amounts or the names of the payees listed in the check register.

On February 3, 2003, Officer Gully was given her Miranda warnings by Sergeant Rosalind Means, badge S-1125, of the Public Corruption Unit. Officer Gully refused to make a statement.

The investigation is continuing and a request for an arrest warrant will be forthcoming.

Based on the above circumstances, it is recommended that Officer Gully be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF GENERAL ORDER 72-17, SECTION K, SUBSECTION 65.

Unless contravened by this Commission, the above suspension without pay, will stand.

There were no contraventions to the above suspension without pay.

CITIZEN COMPLAINTS RECEIVED

	<u>2003</u>		<u>2002</u>
During the past week:	19	During the past week:	23
Year to Date:	97	Year to Date:	90

5. CHIEF'S REPORT

DETROIT POLICE DEPARTMENT MIND'N OUR BUSINESS

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of January 29th –February 4th, 2003:

ORGANIZED CRIME AND GANG DIVISION

The Conspiracy Intelligence, North-West, and Vice Sections conducted three enforcement actions that resulted in (4) felony and (4) misdemeanor arrests.

These enforcement actions reflected in the confiscation of 46 grams of cocaine, 2,329 grams of marijuana with a street value of \$27,716.00. Six thousand six hundred twenty-nine (\$6,629.00) dollars in U.S. currency.

SIXTH PRECINCT

On Thursday, January 30, 2003, officers of the Sixth Precinct Breaking and Entering Taskforce were on patrol in the 10000 block of Piedmont. The officers observed two individuals walking between houses carrying a pair of bolt cutters. The perpetrators entered a vehicle that was driven by a third party. The officers conducted a traffic stop to investigate the suspicious activity. During the traffic stop one of the perpetrators tried to flee the location and was apprehended by one of the officers. The subject was searched and personal property was found on his person from a home in the area that was burglarized. Three subjects were arrested and conveyed to the Sixth Precinct.

SEVENTH PRECINCT

On January 30, 2003, officers of the Seventh Precinct crew set-up surveillance in the 9600 block of Jefferson, due to numerous complaints of break-ins. The officers monitored the location through video cameras and observed a male enter the property without authorization and break-in several individuals' private property that was stored at the location. Upon exiting the property the officers arrested the subject without incident. As a result of this arrest ten cases were closed.

Chief of Police Jerry A. Oliver, Sr.

6. PROPOSED RECOMMENDATIONS - APPEALS SUBCOMMITTEE

In the Matter of Disciplinary Appeal, **PO Richard Frisby, BPC 99-013D**, Comm. Vann set forth the following settlement of this disciplinary matter:

MOTION: Comm. Vann made the motion to adopt the settlement.

SECOND: Comm. Head seconded the motion.

VOTE: All in attendance voted in the affirmative.

In the Matter of Disciplinary Appeal, **Police Officer (now Sergeant) Kaywune Latham, BPC 99-002D**, Comm. Vann set forth the following settlement of this disciplinary matter:

MOTION: Comm. Vann made the motion to adopt the settlement.

SECOND: Comm. Head seconded the motion.

VOTE: All in attendance voted in the affirmative.

In the Matter of Disciplinary Appeal, **Police Officer (now Sergeant) Thomas Walencewicz, BPC 00-032D**, Comm. Vann set forth the settlement of this disciplinary matter:

MOTION: Comm. Vann made the motion to adopt the settlement.

SECOND: Comm. Head seconded the motion.

VOTE: All in attendance voted in the affirmative.

7. OTHER BUSINESS

Personnel Matters - Comm. Norris stated that the Board has had a personnel matter pending for several weeks. The Board was planning to vote today and go into closed session to discuss it. The Board will be scheduling a special meeting to deal with several personnel issues and we will address that personnel matter at that time.

Proposed Policy Changes – The Board has asked for one more week to consider those changes before we vote. Comm. Norris anticipated that the Board will raise any questions they might have next week and bring it to a vote. She stated that there were (5) five policy changes and she asked the Commissioners to make sure that we are up to speed, so that we are prepared to act.

Informational Request – Comm. Norris stated that in the Chief's Report, it cases were closed. She asked DC Evans to see if one of the cases closed involved the break-in which occurred at her house.

Property Room Investigation - Comm. Vann requested an information update from DC Brown regarding the Property Room investigation.

DC Gary Brown stated that the Professional Accountability Bureau is about 10 (ten) days from completing their audit. He stated that he has completed more than half of the envelopes that have money, and there is more than 3000. Out of the envelopes that have been opened and counted, there have been no discrepancies found.

Comm. Vann stated that is a good update.

DC Gary Brown stated that there are about 266 envelopes that are not in the room but are on the register. He stated that they are calling them unconfirmed at this time. As soon as they open the other 1500 or so envelopes, counted them and accounted for that money, at that point, we will go back and find a paper trail of evidence that shows that those 266 envelopes were either deposited into the bank or returned to the owner, whatever the case may be. We will be looking for that evidence. At that point, we will know exactly how many tags are actually missing and have a dollar amount, and come to some type of conclusion as to what happened to those funds. He requested another 10 (ten) days and stated that the investigation should be complete.

Comm. Norris stated no problem.

Comm. Vann stated that he knew it was a gargantuan task and just wanted some information as to how it was proceeding.

DC Gary Brown stated that this was not just an effort by the Professional Accountability Bureau. All of the Deputy Chiefs over the precincts did an excellent job of going through their cases. When this investigation started, there were 13,000. More than 10,000 envelopes have been deposited into the bank so that we didn't have to go through and count them. That money was counted and deposited into the bank and there were no discrepancies with those tags. The amount of money that was supposed to be in the 10,000 or so, the money was there. The money has been deposited and we are now down to 266 unconfirmed tags. He stated it would probably take awhile to do the paper trail, but, and he stated that the point he wanted to make is that the whole department pitched in, and especially the Management Services Bureau, who did a great job in assisting us.

Comm. Vann asked where does the money go?

DC Gary Brown stated that the money goes into the General Fund at this point. He suggested that the Board might want to have the Deputy Chief of Management Services come and give a report.

Comm. Norris stated that would be a yes.

Comm. Norris stated that during our trip to Phoenix, one of the places she toured was the property room. She stated that the facility looked like a high tech warehouse, with barcodes and envelopes of equal size. She stated that the room did not have any cameras because they audited so often that they could trace back to two to three persons maximum that would have had access during

any period of time. She stated that different kinds of audits were done. They were done daily, weekly, monthly, and yearly, and also random audits. The commander is required to do at least 12 random audits a year. She stated that bar coding is done in and out to who has access to everything. She stated the one of the downsides was that their building was 10 (ten) years old. They went to the system 10 (ten) years ago and it took them (3) three years to fully make the transition.

Comm. Vann stated that he has been receiving several phone calls from citizens who are dismayed about the towing situation. The particular calls have been from citizens whose cars were stolen and they went through the proper process of making reports, leaving proper information of phone numbers and addresses with the police department. Their vehicles were found within a short period of time and sent to Executive Towing. They were not properly notified that their vehicle had been recovered and incurring a great hardship on them having to pay the storage fees on their cars. The citizens were sent a registered letter a month later indicating that their car had been recovered. When in fact, the citizens had left contact numbers and were not duly notified. He has been instructed to contact DC Brenda Goss-Andrews for information. This has been an ongoing problem and citizens have raised the issue as it relates to towing and offer to engage situations.

Comm. Norris stated that the Board will be having a presentation/discussion on the offers to engage issue at our community meeting. On the proposed presentation schedule she believes several weeks after that, there will be a presentation/discussion specifically on towing not just the offers to engage. She believed that it would include some of the towing contract issues that we have discussed previously.

Comm. Vann stated that he would like to know how these contracts are given? What evaluations are given to these particular companies? Is this internally political? What kinds of performance measures are in force with regards to towing companies and how they respond? He hoped that the presentations will be able to answer these questions. He would like to know how they get these contracts? How big they are? What system do we have in terms of awarding the contract?

Comm. Norris stated to DC Evans as we prepare the presentations, the one on offers to engage and the other on towing, if she could ask the Chief if he would like to have other persons available like the Prosecutor's office, towing companies to answer any questions as it pertains to these issues. She stated that one of the major issues is when people are wrongly towed and everyone ultimately agrees whether there was no offer to engage. But the towing company is still asking for their money. She stated that she knows that the Chief is aware

of these issues but asked DC Evans to make sure that this information is forwarded to the Chief.

DC Evans stated that she would make sure that this information is included.

Comm. Vann stated for example, there is no snow emergency declared but they go out and pick up vehicles because a couple of inches snow is on the ground.

Comm. Vann stated or you are legally parked at Police Headquarters, in the spot that has been designated for you. By some twist of fate, your car is inadvertently taken away.

Comm. Norris stated this is one where the interest of the public and commission are totally in sync.

8. ORAL COMMUNICATIONS FROM THE AUDIENCE

Ron Scott stated he was having towing problems. Executive Towing towed his vehicle. He was told that the person responsible for releasing his vehicle was not present. The car was missing. It was sold at public auction because it was not picked up in a timely fashion.

Star Carter stated that the Board told her they would give her an answer to the complete investigation that was going on regarding the towing of her vehicle. They had towed her vehicle and were attempting to label the vehicle that she had purchased for her son as abandoned. She stated that the dispatch tape should indicate exactly which officers were involved in the towing.

Comm. Norris stated that she would have Chief Investigator Waddles look into this matter regarding the dispatch tapes.

George Davis, Public Policy Analyst, from the office of Alberta Tinsley-Talabi, the issue of towing was brought to the office by the citizens and the towing companies needing a clarification as to where it relates to accountability. From the City Council's side, it affects the Council's ability to set the towing rates through the Auditor General and the Towing Commission. The citizen's complaint at the Council Hearing centered on the fact that there is no specific way of tracking what type of car was taken, for what reason and for what purpose. It is hard for City Council to assess from the towers which rate is actually acceptable and which rate are actually feasible and have been done in within the confines of the law. He urged the Board to really think through very diligently the ability to track these vehicles like they track evidence with a strong chain of custody. It is affecting both citizens and the towing companies. The City Council may have some thoughts on how to resolve this issue and would be

happy to share them. He stated that the City Council is examining this, particularly his office, and Sheila Cockrel's office as well. The City Council is very encouraged that the Board will have a discussion about this issue.

Comm. Norris stated to the staff that they make sure when the presentations dates are available that the City Council be informed of these scheduled presentations. She urged the City Council to call in advance to make sure that the scheduled presentation will take place.

Mr. Cracchiolo expressed his concern about the two topless bars in downtown Detroit. He wondered if the city still required a survey of the neighborhood, so many feet from a church and have a liquor license?

Comm. Norris stated that she had no idea. She asked if the police department handled those licenses?

DC Evans stated that the police department has say on the actual licensing. She did not know if it was a final say or not.

Comm. Norris asked under what part of the department is that handled?

DC Evans stated that is handled by the Licensing Division.

Comm. Blackwell stated that Liquor Licensing is also a cabaret D which is required to be interviewed by the police department. It is a C and D.

Comm. Norris asked is this is a zoning issue and also a licensing issue?

Comm. Blackwell stated that yes. It is a zoning issue and a licensing issue.

Comm. Norris asked who could we refer Mr. Cracchiolo to answer his questions?

DC Evans stated that she would get that information and speak to Mr. Cracchiolo afterwards.

Mr. Cracchiolo asked the Board and City Council members does the citizens of Detroit want this strip club right in the middle of the city? What kind of message does that send to the city of Detroit? How do these people get the license?

DC Evans stated that the decision is not up to the police department.

Comm. Norris stated that she does not feel the police department has the final say. We can only express our opinions to the department.

Comm. Vann stated to Mr. Cracchiolo that the City Council is where he should address his concerns. They are the ones that have to do the rezoning and say yes or no.

Comm. Blackwell asked is it also the Board of Zoning Appeals?

Comm. Vann stated right. The Board of Zoning Appeals.

Mr. Cracchiolo asked what about the Planning Commission?

Comm. Blackwell stated that they have nothing to do with it.

Comm. Norris stated that it would be Zoning and City Council.

Ms. Walters expressed her gratitude about the City Council speaking in support of the towing issue and offered to assist the Board with this issue. She was glad to see us coming together to find a solution.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, February 13, 2003 @ 6:30 p.m.
ROBERTO CLEMENTE CENTER
2631 Bagley @ 20th Street/St. Anne Street
Detroit, MI 48216

10. ADJOURNMENT

Meeting was adjourned at 4:30 p.m.

Respectfully Submitted,

PAMOLINE J. MCDONALD
Executive Director
Board of Police Commissioners

PJM/fyh

